

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOUIS MILBURN, et al,

Plaintiffs,

vs.

THOMAS COUGHLIN, III, et al,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED

DOC#:

DATE FILED:

9-19-17

NOTICE OF MOTION

79 Civ. 5077(LAP)

C O U N S E L:

PLEASE TAKE NOTICE that upon the annexed DECLARATION OF DEMETRIO LIFRIERI and MEMORANDUM OF LAW, the undersigned will move, on the 2nd day of October, 2017, at 9:00 a.m. in the forenoon hours of said day, before the Hon. Loretta A. Preska, Senior United States District Judge, at the Daniel Patrick Moynihan U.S. Courthouse located at 500 Pearl Street, New York, NY 10007, or as soon thereafter as counsel may be heard, for an order:

1. Pursuant to Rule 60(b)(6) of the Fed. R. Civ. P., vacating the judgment entered in this court on March 4, 2015, on the grounds that extraordinary circumstances justifying relief exist, in that:

- a. The pre-PLRA consent decree termination provisions contained in 18 U.S.C. § 3626(b) violate due process and the separated powers doctrine;
- b. The court failed to adequately protect members of the class by giving notice of the pending termination and abandonment of class counsel;
- c. The court failed to make appropriate findings of fact and conclusions of law with respect to termination of the prospective relief;

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*In light of the Court of Appeals' remand of the action,
the motion is denied as moot.*

2/24/20

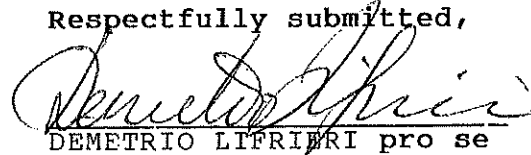
DO NOTED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

2. Pursuant to Rule 60(d)(3) of the Fed. R. Civ. P., setting aside the judgment entered on March 4, 2015 on the ground of fraud on the court; and

3. For such other and further or different relief as to this honorable court may seem just, proper and equitable.

Respectfully submitted,



DEMETRIO LEFRIERI pro se
Member of the Class
Din No. 93-A-7119
Greenhaven Corr. Facility
P.O. Box 4000
Stormville, NY 12582

Dated: Stormville, New York
September 12, 2017

To: Clerk of Court
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

ERIC T. SCHNEIDERMAN
New York State Attorney General
Division of State Counsel
Litigation Bureau
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New York, NY 10271
Attn: Daniel Schulze, Esq.
Special Litigation Counsel

The File